

REMARKS/ARGUMENTS

Objections to the Drawings

The drawing Figures in the instant application are objected to by the Draftsperson as informal. Accordingly, applicant has attached 13 replacement sheets of drawings with this correspondence.

Objections to the Specification

The specification is objected to for two informalities. Initially, claim 1 has been amended, as discussed further herein below, in accordance with the Examiner's suggestion. Secondly, the Examiner has objected to the title of the invention as being non-descriptive. Applicant has amended the title of the invention accordingly.

Amendments to the Claims

Claim 1 has been amended to include the limitation of claim 5, namely, a power management system. Claim 5 has been cancelled. Furthermore, claim 1 has also been amended to obviate the Examiner's objection thereto for informalities. Claims 11-20 have also been cancelled. Furthermore, new claims 21 and 22 have been added to more completely claim the instant invention.

Claim Rejections Under 35 U.S.C. §102

Claims 1 through 20 stand rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,181,521 to Lemelson. Specifically, the Examiner asserts that the Lemelson reference teaches each limitation of claims 1-20.

Initially, with respect to claim 1, Lemelson is asserted as teaching a processor and associated memory having a plurality of data output channels, a plurality of sensor inputs, a plurality of pushbuttons, a visual display having a data input, a speaker, and real-time clock, a

serial port, and a plurality of data sensors responsive to a measurable variable.

Furthermore, regarding claim 5, the Examiner has cited Lemelson as teaching the limitation of a power management system whereupon operating power is supplied to the data sensors at predetermined data sampling intervals, at column 8, lines 55-60 and column 4 lines 61-67. However, at column 4, lines 61-67 Lemelson states the following:

Also supported by housing 11 on the end wall 11A thereof opposite the upper end containing the extension 11E are a plurality of receptacles 11B, 11C and 11D for respectively connecting a source of charging current to a rechargeable battery in the housing, a cable conductor for a physiological sensor and a cable extending to an external memory or communication network such as associated with a remote recorder or computer.

Furthermore, column 8 lines 55-60 of the Lemelson reference discuss a calibration electronic circuit 36, operable under the control of the microprocessor to analyze signals generated by the temperature transducer 25 when it is first energized after switches 17 and 51 are activated for the purpose of calibrating a thermometer. Additionally, the calibration can be effected through signals generated by a second sensor.

Based on the foregoing, and on a thorough review of the entire Lemelson reference, applicant can find no teaching in Lemelson of the power management system as claimed in claim 5 of the instant application. The Lemelson reference seems to disclose a plurality of external switches to effect calibration of the sensors, but nothing more. The power management system of the applicant's invention acts to conserve power otherwise consumed by the device and the sensors while no data samples are being taken. Lemelson simply does not disclose this feature of the applicant's invention. Accordingly, claim 1 has been amended to include the claim 5 limitation of a power management system as previously claimed in claim 5. Additionally, claim 5 has been cancelled. Since amended claim 1 is not anticipated under 35 U.S.C. 102(b), and

since every other pending claim in the instant application depends from claim 1, a case for anticipation can not be maintained with respect to the remaining pending claims (2-4, 6-10, 21 and 22).

Regarding claim 8, which is dependent upon claim 1, the Examiner asserts that the Lemelson reference discloses the limitation of the display graphically representing a plurality of data values in each display column at column 4 lines 40-46 and column 8 lines 15-28, as well as columns 10 and 11. Applicant respectfully disagrees with this assertion for the following reasons. At column 4 lines 40-46 the Lemelson reference simply discloses a visual display employed to display both current and past data. Column 8 lines 15-28 of the Lemelson reference simply discuss the exportation of sensor data for display by an external computer for recording patient data. This disclosure seems to be entirely unrelated to the limitation discussed in applicant's claim 8.

While columns 10 and 11 of the Lemelson patent do indeed discuss the visual display of data, there is no teaching therein regarding the claim 8 limitation of representing a plurality of data values in each display column of the visual display. For example, while column 11 lines 47-57 of Lemelson discusses activation of two or more lines of the display simultaneously in order to display historical values of two sensors; in this case temperature and pulse rate sensors, no teaching therein discloses applicant's use of a single column to display multiple data value.

In contradistinction to the Lemelson patent, applicant's invention permits a single column of the visual display to represent a plurality of data values. (See, for example, page 11 of the specification). Since the Lemelson reference simply does not teach this limitation, claim 8 can not be anticipated thereby under 35 U.S.C. 102(b). Furthermore, in order to more clearly and completely claim the instant invention, applicant has added new claims 21 and 22, each directed to an embodiment of the invention wherein multiple data values are represented by a single column of the visual display.

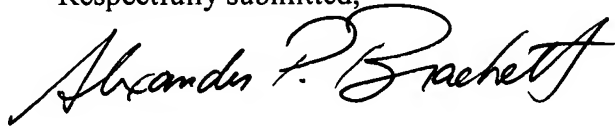
Appl. No. 10/092,151
Response. dated July 26, 2004
Reply to Office Action of March 25, 2004

Summary

Based on the foregoing arguments, and the amendments to claim 1, applicant respectfully asserts that claim 1 is not anticipated under 35 U.S.C. 102(b) by the Lemelson patent. Furthermore, since claims 2-4, 6-10, 21 and 22 depend from claim 1 they can not be anticipated under 35 U.S.C. 102(b) by the Lemelson reference.

The withdrawal of all claim rejections, the allowance of all claims (1-4, 6-10, 21 and 22), and the passage of the present application to issue are hereby courteously solicited. Applicant calculates a one-month extension of time fee due in conjunction with this paper pursuant to 37 CFR 1.136. If the Examiner believes that any issue in the instant application may be more rapidly disposed of by a telephone interview, he is urged to contact the undersigned at the number below.

Respectfully submitted,

A handwritten signature in black ink, reading "Alexander P. Brackett". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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Attachments: 13 Sheets of Drawings